



RECEIVED
2018 MAR 12 AM 10:40
TOWN OF WESTMINSTER

Town of Westminster

ZONING BYLAWS APPROVED AT SPECIAL TOWN MEETING NOVEMBER 28, 2017

Changes approved by Attorney General on March 9, 2018

Ellen M. Sheehan
Westminster Town Clerk



**TOWN OF WESTMINSTER
OFFICE OF THE TOWN CLERK**

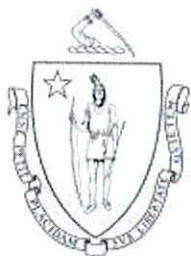
Ellen M. Sheehan
11 South Street
Westminister, MA 01473
(978) 874-7406
FAX (978) 874-7411
E-Mail: esheehan@westminister-ma.gov

March 12, 2018

On the date above written, I have posted copies of the Zoning Bylaw amendments passed at the Special Town Meeting on November 28, 2017 and approved by the Attorney General of Massachusetts on March 9, 2018 at the following public places in the Town of Westminister:

Senior/Community Center
Town Hall
Public Safety Building
Forbush Memorial Library
U.S. Post Office

Ellen M. Sheehan
Town Clerk



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

March 9, 2018

Ellen M. Sheehan, Town Clerk
Town of Westminster
11 South Street
Westminster, MA 01473

**RE: Westminster Special Town Meeting of November 28, 2017 - Case # 8731
Warrant Articles # 10, 11, 12, 13, 14, and 15 (Zoning)**

Dear Ms. Sheehan:

Articles 10, 11, 12, 13, 14, and 15 - We approve Articles 10, 11, 12, 13, 14, and 15, and the map pertaining to Article 10, from the November 28, 2017, Westminster Special Town Meeting. We will return the approved map to you by regular mail.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Brian W. Riley



**TOWN OF WESTMINSTER
OFFICE OF THE TOWN CLERK**

Ellen M. Sheehan
Town Hall, 11 South Street
Westminster, MA 01473
(978) 874-7406
FAX (978) 874-7411
E-Mail: esheehan@westminster-ma.gov

VOTE TAKEN AT THE SPECIAL TOWN MEETING, NOVEMBER 28, 2017

An affirmative vote was taken before Article 1 to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Special Town Meeting.

ARTICLE 10. Voted to amend the Zoning Map of the Town of Westminster to establish a new zoning district entitled "Solid Waste Management District," in the location depicted on the plan entitled "Westminster, MA: Fitchburg/Westminster Landfill Proposed Facilities" prepared by the Montachusett Regional Planning Commission, a copy of which has been placed on file with the Town Clerk, the bounds of said district being more particularly described as follows:

The Solid Waste Management District is located within the Town of Westminster, County of Worcester, State of Massachusetts and consists of the following Town of Westminster Assessor's Parcels (as of 2017) in their entirety: assessor's map 142 lot 1; assessor's map 141 lot 3; assessor's map 141 lot 4; assessor's map 118 lot 2; the southerly portion of assessor's map 115 lot 2; and the easterly portion of assessor's map 144 lot 1. The portioned areas being included in the Solid Waste Management District are described as follows:

The first portion of land, the southerly portion of assessor's map 115 lot 2, being described as follows:

Beginning at the southwesterly corner of assessor's map 115 lot 2, said corner being also the northwesterly corner of assessor's map 118 lot 1 and on the easterly right of way line of Fitchburg Road, thence;

Northerly along Fitchburg Road a distance of one hundred thirty-five feet (135') to a point; thence,

Turning easterly and running parallel to the southerly lot line of assessor's map 115 lot 2 five hundred feet (500') to a point; thence,

Turning and running southerly in a direction perpendicular to the previously described line one hundred twenty-five feet (125') more or less to a point on the aforementioned southerly lot line of assessor's map 115 lot 2; thence,

Turning and running westerly along the southerly lot line of assessor's map 115 lot 2 five hundred fifty feet (550') more or less to the point of beginning.

The second portion of land, the easterly portion of assessor's map 144 lot 1, being described as follows:

Beginning at the southeasterly corner of assessor's map 144 lot 1, said corner also being the north-easterly corner of assessor's map 166 lot 1 and on the Town Line between Westminster and Leominster; thence,

Westerly along the southerly line of assessor's map 144 lot 1 two thousand seven hundred twenty feet (2720') to a point along the southern boundary of assessor's map 144 lot 1; thence,

Northerly in a straight line to the southeasterly corner of assessor's map 141 lot 4 one thousand nine hundred eighty feet (1980') more or less to the southeast corner of assessor's map 141 lot 4; thence,

North, north-easterly along assessor's map 141 lot 4 and assessor's map 141 lot 3 to a point where the border of assessor's map 141 lot 3 turns easterly; thence,

Easterly along the southern line of assessor's map 141 lot 3 to the intersection with assessor's map 144 lot 1; thence,

Southerly along the border between assessor's map 144 lot 1 and assessor's map 142 lot 1; thence

Easterly along the border between assessor's map 144 lot 1 and assessor's map 142 lot 1 to the southeast corner of assessor's map 142 lot 1 and a point on the Town Line between Westminster and Leominster; thence,

Southerly along the Town Line between Westminster and Leominster to the point of beginning. Said areas described to be included with the Solid Waste Management District Zone.

and further to amend Section 205-5 of the Westminster Zoning Bylaw to add the district to the list of zoning districts in the Town, as follows:

Solid Waste Management District

SWMD

(2/3 vote required and recognized)

A True Copy, Attest:



Ellen M. Sheehan
Westminster Town Clerk



**TOWN OF WESTMINSTER
OFFICE OF THE TOWN CLERK**

Ellen M. Sheehan
Town Hall, 11 South Street
Westminister, MA 01473
(978) 874-7406
FAX (978) 874-7411
E-Mail: esheehan@westminister-ma.gov

VOTE TAKEN AT THE SPECIAL TOWN MEETING, NOVEMBER 28, 2017

An affirmative vote was taken before Article 1 to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Special Town Meeting.

ARTICLE 11. Voted to amend the Westminister Zoning Bylaw to add a new Section 205-8 establishing requirements for the use of land within the Solid Waste Management District (SWMD), as set forth below.

§205-8: Solid Waste Management District (SWMD)

A. Purpose. The purpose of the SWMD is to provide a suitable location for Solid Waste Management and Recycling Facility uses within the Town of Westminister that will protect the health and safety of the residents of the Town while allowing the Town to meet its Solid Waste Management and Recycling Facility needs.

B. Permitted Uses. The following uses shall be allowed as of right within the SWMD:

1. Solid Waste Management;
2. Recycling Facility;
3. Federal, state and municipal park, playground or recreational facility; and
4. All uses or structures accessory to permitted uses listed above.

C. Prohibited Uses.

1. Solid Waste Management and Recycling Facility uses which are subject to Board of Health site assignment, and which are not in compliance with the terms and conditions of said site assignment.

2. Solid Waste Management and Recycling Facility uses which are subject to permitting by the Massachusetts Department of Environmental Protection, and which are not in compliance with the terms and conditions of said permits.
 3. All uses not expressly permitted in Section B, above.
- D. Dimensional Standards.
1. Lots within the SWMD shall be at least five acres in size.
 2. No waste disposal shall take place within 1,000 feet of a dwelling.
 3. No waste disposal shall take place within 50 feet of a front, rear or side lot line.

The dimensional standards set forth above are the only such standards applicable within the Solid Waste Management District. The Parking and Loading requirements set forth in Article VIII of the Zoning Bylaws are inapplicable within the Solid Waste Management District.

(2/3 vote required and recognized)

A True Copy, Attest:



Ellen M. Sheehan
Westminster Town Clerk



**TOWN OF WESTMINSTER
OFFICE OF THE TOWN CLERK**

Ellen M. Sheehan
Town Hall, 11 South Street
Westminster, MA 01473
(978) 874-7406
FAX (978) 874-7411
E-Mail: esheehan@westminster-ma.gov

VOTE TAKEN AT THE SPECIAL TOWN MEETING, NOVEMBER 28, 2017

An affirmative vote was taken before Article 1 to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Special Town Meeting.

ARTICLE 12. Voted to amend Article II (Definitions), Section 205-4 – Terms Defined, of the Westminster Zoning Bylaw to add a new definition for Solid Waste Management, as follows:

SOLID WASTE MANAGEMENT – any activity, together with associated buildings, structures and facilities, concerning the handling, movement, transfer, composting, re-use, sorting, storage, gas-to- energy conversion, and disposal of solid waste as regulated or permitted by the Massachusetts Department of Environmental Protection pursuant to 310 Code of Massachusetts Regulations Part 19.000, including any such activities and associated facilities as they may be regulated or permitted by amendments of such regulations or by successor state agencies.

(2/3 vote required and recognized)

A True Copy, Attest:

Ellen M. Sheehan
Westminster Town Clerk



TOWN OF WESTMINSTER OFFICE OF THE TOWN CLERK

Ellen M. Sheehan
Town Hall, 11 South Street
Westminister, MA 01473
(978) 874-7406
FAX (978) 874-7411
E-Mail: esheehan@westminister-ma.gov

VOTE TAKEN AT THE SPECIAL TOWN MEETING, NOVEMBER 28, 2017

An affirmative vote was taken before Article 1 to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Special Town Meeting.

ARTICLE 13. Voted to amend the Town's Zoning Bylaw by adding a new Section 205-42, TEMPORARY MORATORIUM ON THE SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA, and further, to amend the Table of Contents to add Section 205-42, "Temporary Moratorium on the Sale and Distribution of Recreational Marijuana," as follows.

Section 205-42 Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

42.1 Purpose: By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law took effect on December 15, 2016 and (as amended by Chapter 351 of the Acts of 2016) requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Bylaw, non-medical Marijuana Establishments (hereinafter "Recreational Marijuana Establishments") as defined in G.L. c.94G, §1 are not a permitted use in the Town of Westminister. Any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Massachusetts municipalities in regulating Recreational Marijuana Establishments. Further, the Act establishes a provision that involves ballot action by the Town whereby the Town may, by ballot, determine whether it will prohibit Recreational Marijuana Establishments within the Town.

The regulation of Recreational Marijuana Establishments raises novel and complex issues in terms of legality, planning, and public safety, and the Town needs time to study how best to address these issues. Further, the Town needs time to assess the potential impact of the State regulations on local zoning and to undertake a planning process that will consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and other uses related to the regulation of recreational marijuana.

The Town intends to adopt a temporary moratorium on the use of land and structures in Westminster for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses and to adopt zoning provisions in a manner consistent with State law, sound land use planning goals and objectives.

42.2 Definitions.

"Manufacture": to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories": equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator": an entity licensed to cultivate process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment": a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"Marijuana product manufacturer": an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products": products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility": an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer": an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

42.3 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through December 31,

2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, determine whether the town shall, by ballot measure, restrict any, or all, Recreational Marijuana Establishments, and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and related uses.

42.4. Severability.

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

(2/3 vote required and recognized)

A True Copy, Attest:



Ellen M. Sheehan
Westminster Town Clerk



**TOWN OF WESTMINSTER
OFFICE OF THE TOWN CLERK**

Ellen M. Sheehan
Town Hall, 11 South Street
Westminister, MA 01473
(978) 874-7406
FAX (978) 874-7411
E-Mail: esheehan@westminister-ma.gov

VOTE TAKEN AT THE SPECIAL TOWN MEETING, NOVEMBER 28, 2017

An affirmative vote was taken before Article 1 to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Special Town Meeting.

ARTICLE 14. Voted to delete Article XI of the Town's Zoning Bylaw (Floodplain and/or Wetland Protection Districts) as the subject of floodplain protection is already covered under Article III (Zoning Districts), Section 205-9 (Floodplain District).

Delete the following language:

§ 205-46 - Use regulations.

Any land falling in a Floodplain District shall be subject to the following:

A. No building or structure shall be erected in a Floodplain District. No land shall be used for any purpose, except as permitted in the Table of Use Regulations, Subsection G, of this chapter.

B. Any land included in a Floodplain and/or Wetland Protection District which is proven to the satisfaction of the Board of Appeals, after consultation with the Conservation Commission, as being in fact not subject to flooding or not unsuitable because of drainage conditions for any use which would otherwise be permitted if such land were not, by operation of this section in the Floodplain and/or Wetland District, and that the use of such land for any such use will not interfere with the general purposes for which Floodplain and/or Wetland Districts have been established, and will not be detrimental to the public health, safety or welfare, the Board of Appeals may, after a public hearing with due notice and after the question has been referred to and reported on by the Board of Health, issue a special permit for any permitted use which meets the requirements and restrictions applicable to such land.

C. No land fill or dumping shall be permitted in any part of the Floodplain District, except such as may be expressly included as part of any special permit issued under the provisions above.

(2/3 vote required and recognized)

A True Copy Attest:



Ellen M. Sheehan
Westminster Town Clerk



**TOWN OF WESTMINSTER
OFFICE OF THE TOWN CLERK**

Ellen M. Sheehan
Town Hall, 11 South Street
Westminster, MA 01473
(978) 874-7406
FAX (978) 874-7411
E-Mail: esheehan@westminster-ma.gov

VOTE TAKEN AT THE SPECIAL TOWN MEETING, NOVEMBER 28, 2017

An affirmative vote was taken before Article 1 to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Special Town Meeting.

ARTICLE 15. Voted to revise Attachment 1 - Table of Use Regulations of the Town's Zoning Bylaws, Section 205, Attachment 1, as follows:

Use	Residential			Commercial			Industrial	
	R-I	R-II	R-III	C-I	C-II	VC	I-I	I-II
A. Residential Uses								
(1) Detached dwelling on a separate lot occupied by not more than 1 family	Y	Y	Y	N	N	Y	N	N
(2) 1 2-family or 1 duplex dwelling on a separate lot	Y	Y	N	N	N	Y	N	N
(3) <i>Townhouse Apartments Attached dwelling occupied by not more than 1 family in each unit between side walls, provided that no row of such units shall consist of fewer than 3 or more than 8 such units (See Article IX.) (For dimensional requirements, see Section 205-33 "Apartments and Attached Dwellings").</i>	SP	N	N	N	N	SP	N	N
(4) <i>Apartments (For dimensional requirements, see Section 205-33 "Apartments and Attached Dwellings"). Article IX-.)</i>	SP	N	N	N	N	SP	N	N
(5) <i>Motels and hotels (See Section 205-32 "Motels". Article IX-.)</i>	N	N	N	Y	Y	Y	SP	SP
(6) <i>Bed-and-Breakfast</i>	SP	SP	SP	Y	Y	Y	N	N
(7) <i>Renting rooms in a dwelling existing at the time of adoption of this chapter to not more than 4 persons, provided that there are no separate cooking facilities</i>	Y	Y	Y	Y	Y	Y	Y	Y

Use	Residential			Commercial			Industrial	
	R-I	R-II	R-III	C-I	C-II	VC	I-I	I-II
(8) Renting of rooms in an existing dwelling to more than 4 persons	N	N	N	N	SP	SP	N	N
(9) Conversion of a dwelling existing at the time of adoption of this chapter to accommodate not more than 2 families, provided that there is no external structural evidence of occupancy by more than 1 family other than a second exit for fire purposes for each unit, and further provided that each dwelling unit resulting from such conversion shall have not less than 450 square feet of habitable floor space.	Y	Y	Y	Y	Y	Y	N	N
(10) Conversion of a dwelling existing at the time of adoption of this chapter to accommodate more than 2 families. For <i>dimensional requirements, space standards</i> , see <i>Section 205-33 ("Apartments and Attached Dwellings")</i> .	SP	SP	SP	SP	SP	SP	N	N
(11) Trailer or Mobile Home	N	N	N	N	N	N	N	N
(12) <i>Temporary</i> Residential use of a Camper or Trailer properly connected to an approved on-site water and sewerage system for a period of not more than 24 months if the user is in the continuing process of building a home after the issuance of a temporary building permit from the Building Inspector. Nothing in this subsection shall be interpreted to allow the residential use of a lot where forbidden by other sections of this chapter.	Y	Y	Y	Y	Y	Y	Y	Y
(13) <i>Temporary</i> Mobile homes, camping trailers, utility trailers, horse trailers, trailers, boats or pickup campers not connected to permanent sewage and water installation may be occupied for occasional short-term use, not to exceed 28 days in a calendar year, excluding designated camping grounds	Y	Y	Y	Y	Y	Y	Y	Y
(14) Trailer park or mobile home park	N	N	N	N	N	N	N	N
(15) Dish antenna conforming to the building setbacks (front, side, rear) required in the zoning district in which it is located.	Y	Y	Y	Y	Y	Y	Y	Y

I. Accessory uses and off-street parking								
	R-I	R-II	R-III	C-I	C-II	VC	I-I	I-II
(1) Private garage for residents of a dwelling on the same premises	Y	Y	Y	Y	Y	Y	Y	Y
(2) Private greenhouse, toolsheds, tennis courts, swimming pools or other similar building or structure for domestic use	Y	Y	Y	Y	Y	Y	Y	Y

(12) Family day-care service with no more than 6 children under 16 and no children sleeping overnight	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(13) Retail use accessory to the principal manufacturing use	N	N	N	N	N	N	N	N	N	N	N	SP
(14) Personal kennel	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(15) Dish antenna conforming to the building setbacks for primary structures (front, side, rear) required in the zoning district in which it is located.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(16) Accessory dwelling unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

(2/3 vote required and recognized)

A True Copy, Attest:



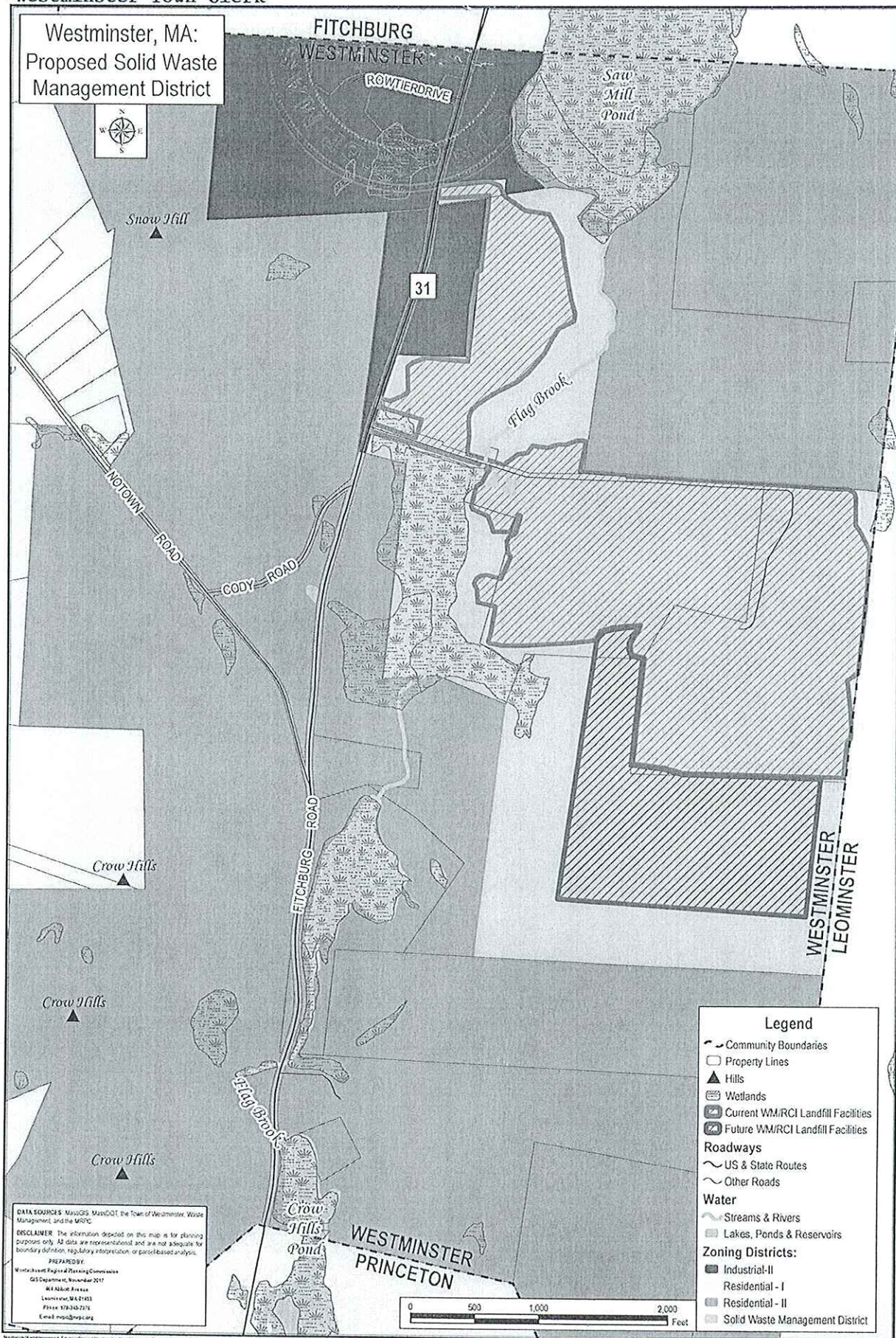
Ellen M. Sheehan
Westminster Town Clerk

A True Copy, Attest:

Ellen M. Sheehan
Ellen M. Sheehan

Westminster Town Clerk

Article 10



Ellen M. Sheehan
Ellen M. Sheehan
Westminster Town Clerk

Article 10

Westminster, MA: Zoning Map Accurate as of December 2017

